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the controller executes notification to the CPU if the temperatures detected by the first and second temperature sensors exceed a third value; and

the CPU executes data withdrawal and power shut-off in response to the notification.--

REMARKS

Reconsideration of the present application is respectfully requested in view of the following remarks. Prior to entry of this response, Claims 1-19 were pending in the application, of which Claims 1, 6, and 11-19 are independent. In the Office Action dated November 6, 2002, Claims 1-19 were rejected under 35 U.S.C. §102(b) and the Abstract was objected to. Applicant hereby addresses the Examiner's rejections in turn.

I. Objection to the Abstract

In the Office Action dated November 6, 2002, the Examiner objected to the Abstract of the Disclosure as being improper. A Substitute Abstract of the Disclosure, as shown in the Appendix, has been submitted, and Applicant respectfully submits that the Substitute Abstract of the Disclosure overcomes this objection and adds no new matter.

II. Rejection of the Claims Under 35 U.S.C. § 102(b)

In the Office Action, the Examiner rejected Claims 1-19 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. Re. 35,716 ("*Stapleton*"). Claims 1, 6, 11, 15, and 18 have been amended, and Applicant respectfully submits that the these

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amendments overcome the rejection of Claims 1, 6, 11, 15, and 18 and add no new matter. Claims 5, 10, 12-14, 16-17, and 19 have been canceled without prejudice or disclaimer.

Amended Claim 1 is patentably distinguishable over the cited art in that it recites, for example, the controller being configured to cause a power source to be turned off when at least the temperature detected by the first temperature sensor exceeds a predetermined value. Similarly, amended Claim 6 is patentably distinguishable over the cited art in that it recites, for example, causing a power source to be turned off when at least the temperature detected by the first temperature sensor exceeds a predetermined value.

In contrast, *Stapleton* at least does not teach or suggest a power source to be turned off when at least the temperature detected by the first temperature sensor exceeds a predetermined value. For example, *Stapleton* discloses a system that rapidly brings cellular specimens to a higher or lower predetermined reaction temperature. (*See* col. 4, lines 1-5.) A system or method for avoiding the destruction of a computer system due to heat is not disclosed. Specifically, in *Stapleton*, turning off a power source when at least the temperature detected by the first temperature sensor exceeds a predetermined value is not disclosed, rather an apparatus for performing automated sample preparation is.

Stapleton would not have lead to the claimed invention because *Stapleton* at least does not disclose or suggest the controller being configured to cause a power source to be turned off when at least the temperature detected by the first temperature sensor exceeds a predetermined value, as recited by amended Claim 1 or causing a

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power source to be turned off when at least the temperature detected by the first temperature sensor exceeds a predetermined value, as recited by amended Claim 6. Accordingly, independent Claims 1 and 6 patentably distinguish the present invention over the cited art, and Applicant respectfully requests withdrawal of the rejection of Claims 1 and 6.

Dependent Claims 2-4 are also allowable at least for the reasons above regarding independent Claim 1 , and by virtue of their dependency upon independent Claim 1. In addition, dependent Claims 7-9 are also allowable at least for the reasons above regarding independent Claim 6 , and by virtue of their dependency upon independent Claim 6. Accordingly, Applicant respectfully requests withdrawal of the rejection of dependent Claims 2-4 and 7-9.

In addition, amended Claim 11 is patentably distinguishable over the cited art in that it recites, for example, a controller configured to control the fan to cool the power source circuit, if the second temperature sensor detects the temperature at which the power source circuit should be cooled, in a state where the temperature of the CPU does not exceed a predetermined value at which the CPU should be cooled. Similarly, amended Claim 15 is patentably distinguishable over the cited art in that it recites, for example, controlling the fan to cool the power source circuit, if the second temperature sensor detects the temperature at which the power source circuit should be cooled, in a state where the temperature of the CPU does not exceed a predetermined value at which the CPU should be cooled.

In contrast, *Stapleton* at least does not teach or suggest controlling (or a controller configured to control) the fan to cool the power source circuit, if the second

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temperature sensor detects the temperature at which the power source circuit should be cooled, in a state where the temperature of the CPU does not exceed a predetermined value at which the CPU should be cooled. *Stapleton* is directed toward an automated analyzer for nucleic acid diagnostics and is not concerned with the temperature of a CPU or cooling a CPU and power source circuit.

Stapleton would not have lead to the claimed invention because *Stapleton* at least does not disclose or suggest a controller configured to control the fan to cool the power source circuit, if the second temperature sensor detects the temperature at which the power source circuit should be cooled, in a state where the temperature of the CPU does not exceed a predetermined value at which the CPU should be cooled, as recited by amended Claim 11. Nor does *Stapleton* disclose or suggest controlling the fan to cool the power source circuit, if the second temperature sensor detects the temperature at which the power source circuit should be cooled, in a state where the temperature of the CPU does not exceed a predetermined value at which the CPU should be cooled, as recited by amended Claim 15. Accordingly, independent Claims 11 and 15 patentably distinguish the present invention over the cited art, and Applicant respectfully requests withdrawal of the rejection of Claims 11 and 15.

In addition, Claim 18 is patentably distinguishable over the cited art in that it recites, for example, a CPU capable of operating in at least two kinds of states having respectively different heat generation levels.

In contrast, *Stapleton* at least does not teach or suggest a CPU capable of operating in at least two kinds of states having respectively different heat generation levels. For example, while *Stapleton* discloses a CPU 60, it at least does not disclose

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that CPU 60 is capable of operating in at least two kinds of states having respectively different heat generation levels.

Stapleton would not have lead to the claimed invention because *Stapleton* at least does not disclose or suggest the CPU capable of operating in at least two kinds of states having respectively different heat generation levels, as recited by amended Claim 18. Accordingly, independent Claim 18 patentably distinguishes the present invention over the cited art, and Applicant respectfully requests withdrawal of the rejection of Claim 18.

III. New Claims

Claims 20-26 have been added to more distinctly define the invention to which Applicant is entitled. Applicant respectfully submits that these claims are allowable over the cited art and that they add no new matter.

IV. Conclusion

In view of the foregoing remarks, Applicant respectfully requests the reconsideration and reexamination of this application and the timely allowance of the pending claims. The preceding arguments are based only on the arguments in the Office Action, and therefore do not address patentable aspects of the invention that were not addressed by the Examiner in the Office Action. The claims may include other elements that are not shown, taught, or suggested by the cited art. Accordingly, the preceding argument in favor of patentability is advanced without prejudice to other bases of patentability.

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Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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Dated: February 5, 2003

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APPENDIX

IN THE ABSTRACT

Please replace the Abstract with the Substitute Abstract of the Disclosure shown below.

Substitute Abstract of the Disclosure

[A computer system includes a first heat generating element in which a heat generation amount is changed, a second heat generating element, a fan configured to cool the first and second heat generating elements, a first temperature sensor configured to detect a temperature of the first heat generating element, a second temperature sensor configured to detect a temperature of the second heat generating element; and a controller configured to control a rotation speed of the cooling fan, based on the temperatures detected by the first and second temperature sensors.]A method of controlling a rotation speed of a cooling fan in a computer system including a first heat generating element in which a heat generation amount is changed and a second heat generating element, the method includes cooling the first and second heat generating elements by a fan and detecting a temperature of the first heat generating element by a first temperature sensor. Next the method of controlling a rotation speed includes detecting a temperature of the second heat generating element by a second temperature sensor. Finally, the method includes controlling the rotation speed of the cooling fan, based on the temperatures respectively detected by the first and second temperature sensors, and causing a power source to be turned off when at least the temperature detected by the first temperature sensor exceeds a predetermined value.

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IN THE CLAIMS:

Please amend the claims as follows:

1. (Amended) A computer system comprising:

a first heat generating element in which a heat generation amount is changed;

a second heat generating element;

a fan configured to cool the first and second heat generating elements;

a first temperature sensor configured to detect a temperature of the first heat generating element;

a second temperature sensor configured to detect a temperature of the second heat generating element; and

a controller configured to control a rotation speed of the cooling fan, based on the temperatures detected by the first and second temperature sensors, the controller being configured to cause a power source to be turned off when at least the temperature detected by the first temperature sensor exceeds a predetermined value.

6. (Amended) A method of controlling a rotation speed of a cooling fan in a computer system including a first heat generating element in which a heat generation amount is changed and a second heat generating element, the method comprising:

cooling the first and second heat generating elements by a fan;

detecting a temperature of the first heat generating element by a first temperature sensor;

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detecting a temperature of the second heat generating element by a second temperature sensor; [and]

controlling the rotation speed of the cooling fan, based on the temperatures respectively detected by the first and second temperature sensors; and

causing a power source to be turned off when at least the temperature detected by the first temperature sensor exceeds a predetermined value.

11. (Amended) A computer system comprising:

a CPU [capable of operating at a first frequency and a second frequency higher than the first frequency and brought into different heat generation states, respectively, in correspondence with the frequencies];

a [heat generating element] power source circuit different from the CPU;

a fan configured to cool the CPU and the [heat generating element] power source circuit;

a first temperature sensor configured to detect a temperature [at which] of the CPU [should be cooled];

a second temperature sensor configured to detect a temperature [at which] of the [heat generating element] power source circuit [should be cooled]; and

a controller configured to control the fan to cool the [heat generating element] power source circuit, if the second temperature sensor detects the temperature at which the [heat generating element] power source circuit should be cooled, in a state where [the CPU operates at the first frequency and the first temperature sensor does not

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detect the temperature at which the CPU should be cooled] the temperature of the CPU does not exceed a predetermined value at which the CPU should be cooled.

15. (Amended) A method of controlling a rotation speed of a cooling fan in a computer system including a CPU [capable of operating at a first frequency and a second frequency higher than the first frequency and brought into different heat generation states in correspondence with the frequencies, respectively,] and a [heat generating element] power source circuit different from the CPU, the method comprising:

cooling the CPU and the [heat generating element] power source circuit by a fan;

detecting a temperature [at which] of the CPU [should be cooled,] by a first temperature sensor;

detecting a temperature [at which] of the [heat generating element] power source circuit [should be cooled,] by a second temperature sensor; and

controlling the fan to cool the [heat generating element] power source circuit, if the second temperature sensor detects the temperature at which the [heat generating element] power source circuit should be cooled, in a state where [the CPU operates at the first frequency and the first temperature sensor does not detect the temperature at which the CPU should be cooled] the temperature of the CPU does not exceed a predetermined value at which the CPU should be cooled.

18. (Amended) A method of controlling a rotation speed of a cooling fan in a computer system [including a CPU capable of operating in at least two kinds of states

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having respectively different heat generation levels, and a the heat generating element different from the CPU], the method comprising:

cooling [the] a CPU and [the] a heat generating element by a fan, by introducing cooling gas to the CPU and further introducing the cooling gas to the heat generating element through the CPU, the CPU capable of operating in at least two kinds of states having respectively different heat generation levels, and the heat generating element different from the CPU;

detecting a temperature of the CPU by a first temperature sensor;

detecting a temperature of the heat generating element by a second temperature sensor; and

controlling the fan to rotate at a first rotation speed if the first temperature sensor detects a temperature at which the CPU should be cooled and if the second temperature sensor does not detect a temperature at which the heat generating element should be cooled, controlling the fan to rotate at a second rotation speed higher than the first rotation speed if the first temperature sensor does not detect the temperature at which the CPU should be cooled and if the second temperature sensor detects the temperature at which the heat generating element should be cooled, and controlling the fan to rotate at a third rotation speed higher than the second rotation speed if the first temperature sensor detects the temperature at which the CPU should be cooled and if the second temperature sensor detects the temperature at which the heat generating element should be cooled.

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